

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**May 22, 2023**  
**6:00 p.m.**

**Planning Commissioners Present:** Bill Branigan (*by video*), Bob Berman, Braulio Escobar, Jim Hanselman, Gary East, and John Updike.

**Planning Commissioners Absent:** Marjorie Blom (*excused*).

**PC Citizens Advisory Committee Members Present:** Dustin Capri.

**PC Citizens Advisory Committee Members Absent:** Greg Sutton.

**City Staff Present:** Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Comments from Thompson Sanitary on Draft Trash Enclosure Amendments.** Tokos thanked Thompsons for providing comments and input on the amendments. He noted that Walter Budzik with Thompsons responded to the request to give comments on the enclosure standards. Budzik asked if they would be adding language to calculate the volume of solid waste that was going to be needed. Tokos reported they were trying to avoid this. Thompsons offered to produce a document that could be added to a building permit application to provide guidance to multifamily and commercial developers in terms of how to size the enclosures. Tokos said there was also a suggestion to add compostables to the language, even though they didn't currently provide the service. This could change in the future, and he didn't think it was a problem to include this. Tokos reported that Thompsons was also willing to go down to 10 feet for the driveways. They also asked if Thompsons could be involved with the review process and sign off on all applications. Tokos noted this would be tricky for all sign offs, because the city by state law had to have a clear and objective path to approval for multifamily. Any discretion would be a problem that would hang up the approval process. Tokos cautioned the Commission to be thoughtful on how they did this so they didn't get in a spot where multifamily developers were saying they couldn't navigate forward because a third party didn't agree with their approach.

Rob Thompson addressed the Commission and noted he thought it was helpful to developers and citizens to be upfront on what their needs were. When they didn't have the option to provide adequate service, problems would arise, which wasn't good for anyone. Thompson felt good about the examples that had been shared. He explained that they had asked Budzik to respond because he came from McMinnville and had experience with provisions for enclosures. Thompson said they were willing to give back on the size requirements for the driveway and wanted to ask about being a part of the sign off. This would give them a direct review in order to sign off any problems. Thompson didn't have a problem not pursuing this at that time and thought the one-page document they could add to the permit applications would be more than adequate. Tokos agreed that getting the developers into

communication with Thompsons was the biggest first step to making sure they were thinking about enclosures, and especially advantageous when it was early on in the design phase so they could make adjustments. Thompson noted that the Surf View apartments were a good example of where the design for enclosures was done the cheapest way and the management company was managing inside of a budget, which couldn't be done. This was what brought Thompsons into the enclosure discussion. Surf View only had one compactor and Thompsons thought they should have had three. Escobar asked if their management or Thompsons was in charge of cleaning up Surf View's enclosures. Thompson explained they could do it for an additional fee, but it was Surf View's responsibility. The cost for Thompsons to do it was high, and they preferred the property management do it. Thompson thought that they should have a maintenance person who monitored this on a daily basis to see the best results. Escobar asked if Thompsons could ever threaten not having service if there were problems. Thompson reported they had the option to do this, but they preferred that a remedy be found before this was done.

Berman asked what Thompson's thoughts were concerning roofs on the enclosures to keep the weather out. Thompson didn't have a problem with roofs and thought they were workable. He thought it would be up to the Commission to make that decision. Updike asked if they went with Option C.1 and a developer came in with a roof proposal, would the Commission have to approve it. Tokos reported they wouldn't. He asked how Thompsons typically serviced drop boxes or compactors if they were roofed. Thompson explained for drop boxes and compactors, the trucks would hook the front of the box with a line and pull it out of the enclosure before it was lifted and rolled up onto the truck body. He noted they needed to have 50 feet in front of the compactors to be able to have enough access. Thompson reported they had seen plans for compactors in parking garages and thought this would be terrible for their trucks because they were so big. They wouldn't want to be put in a position where they had to drag a box a long distance, because the trucks weren't designed for that.

East asked how they were dealing with the enclosures at the Wyndhaven apartments. Thompsons said they didn't have any problems with them because they had more staff to monitor them. Tokos noted one of their buildings wouldn't be within 150 feet and moving forward this type of project would require them to have another enclosure location. Thompson reported that he looked at Wyndhaven's current set up and noted they could have put in a corral for auxiliary recycling or garbage if they wanted to get away from the compactor and the staffing.

Capri asked if they could require developers to provide a sanitary letter from Thompsons as part of the permit process to help take the administrative burden off of the city. Tokos thought they could have developers submit something from Thompsons confirming they had a conversation about service and what their service requirements were. Thompson pointed out that this was the intention of the McMinnville code, and he was open to that. Capri thought they should do this for large commercial developments. Tokos noted they needed to be clear that the letter wasn't an approval. It was a letter saying they had a conversation and gives the city a heads up about how they could get things resolved. Amy Thompson addressed the Commission and noted this would have helped them in the case of Surf View. Berman thought it was a good idea.

Berman asked if Thompsons wanted to see the five-foot swinging doors secured. Thompson thought it was a great idea. Capri asked if overhangs were going to be a part of the proposed code language. Tokos said it wasn't included and recommended this be left up to the person designing the enclosure.

Tokos asked if the 10 feet width was okay for drop boxes in the compactors. Thompson said it was and noted that a compactor needed to fit on a truck going down the highway, which was an eight feet maximum.

Tokos reported the amendments would come before the Commission on their June 12th meeting where they would give a recommendation to the City Council. Thompson thought having a letter in the file that said the proposed plans did or didn't meet Thompson's recommendations would be helpful for the city to have as a backstory.

- B. Revisions to Parking Codes to Facilitate Bayfront Metering.** Tokos reviewed the draft code changes needed to facilitate the installation of parking meters along the Bayfront. The changes to NMC Chapters 6.15, 6.20, and 6.25 were provided for context, but they didn't require Planning Commission approval. The city was looking at implementing the meters on the Bayfront in October. The City had a commitment as a matter of policy to reduce or eliminate off street parking requirements when the meters were implemented.

Tokos reviewed the updates to Chapter 14.14.030(B). He noted that these changes would have applied to the considerations for the new Abbey Hotel build as far as the number of credits that would be given for the old use over the last 10 years. Tokos explained that since a new dwelling had credits for the use over the previous 10 years, it made sense logically to do a credit for the last 10 years for commercial.

Tokos reviewed the changes to 14.14.100. He covered the three options for off-street requirements. Option B.1. would eliminate off street parking requirements in areas where the city required payment for the use of public parking. Capri asked if the original parking analysis found that there wouldn't be any need for off street parking for development based on the turnover from the meters. Tokos explained that the policy adopted was to reduce or eliminate parking. Capri asked if there would be an analysis based on the turnover generated from parking meters. Tokos explained the parking study didn't delve into it that far. It established that we are at functional capacity on the Bayfront at over 85 percent observed utilization, which was the general bar communities used to institute demand management such as a metering program. There was nothing in the parking study that said by instituting metering, you're going to free up a certain percentage of utilization. He noted that how much turnover increase and relief it provided was not quantified in the study. Capri thought this was pitched as there were undeveloped lots and limited opportunities for development. If the requirements weren't lifted, properties wouldn't be able to be developed because the lots were too small to do so. Capri feared that if the parking requirements weren't lifted, there would only be two lots on the Bayfront that could be developed. Tokos thought that the different options would help address Capri's concerns. Option B.1 would lift the parking requirement, but it had the potential to bring in a heavy parking demand that they would be stuck with. Option B.2 would allow developers to pay a onetime fee in lieu of providing the off-street parking required. They could structure it so that the more demand a development placed on parking, the stiffer the fee on parking it would be. Capri thought these didn't address the parking issue in the area and the whole point of metering was to improve the flow of parking. There was a public perception that they were already adding fees for meters. Someone who wanted to do new development would be able to pay for parking they couldn't provide, and it would cost even more money. Tokos noted the principle was that you could use this to disincentivize somebody coming in would be placing a tremendous impact on the available supply. Escobar noted that around 1977 there was a fee charged for those who didn't provide off street parking. He didn't think any of this money collected had been used to generate new parking. Escobar was opposed to developers being able to pay money to build something and not have adequate parking. The impact of the development's parking affected everyone on the Bayfront. Escobar thought the if someone was to build something they should provide parking. Tokos noted the payment in lieu fee was discontinued around 2009-2010 and the \$250,000 collected had been used to get the meters installed.

Berman noted the problem he had with Option B.2 was that it put a burden on the parking system and there was no kind of offset to provide additional parking. He thought this would be more of a penalty rather than a fee. It wouldn't be a deterrent in any of the discussed developments other than building a new hotel. Hanselman thought that someone who paid the in-lieu fees who paid off all of the parking they needed to have for 20 years or less, didn't add up to him. He noted that the amount of parking would increase with a payment in lieu, and a business would get away with only having to pay a onetime fee. Tokos reminded the commitment that was made in the council policy in the Comprehensive Plan was to reduce or eliminate off street parking requirements, not to keep them in place. They had to come up with a program that reduced in a meaningful way or eliminated off street parking requirements for these businesses. Option B.2 disincentivized somebody developing on the Bayfront who would put heavy demand on those street parking spaces and create additional revenue that could be used to add supply down the road. One way to disincentivize somebody from coming down to the Bayfront and redeveloping in a manner that took up a bunch of the streets supply was to add a financial disincentive. Capri thought that would affect the small businesses more because they couldn't absorb the costs. If he were to pick anything besides Option B.1, it would be Option B.3 because it would target the high demand user and avoid the small businesses. Tokos noted he knew a restaurant could do this because he sat down with a restaurant owner who had to put in 8 to 10 parking spaces. The cost to install a parking lot was \$70,000 and asking for \$15,000 would be easier to pay. Capri liked Option B.1 the best and also liked B.3 because set a cap and allowed developers to do a small infill project without paying a bunch of money.

Tokos reviewed Option B.3 that lifted the requirements only if the development exceeded a certain threshold. He had listed the spaces at 25, but it could be changed to 20. Berman thought 25 was too high. Tokos thought they could set it at 20 instead which would mean there could be a 12,000 square foot size if it was on the water side.

Udike liked all three options. He thought for those that generated one to five spaces, there should be no fee. The ones that generated six to 20 should pay a fee. Then over 20 would pay a higher price. Udike thought they needed to find a way to incentivize the small mom and pop stores that had a nominal impact to parking. Udike thought the larger developments should provide parking spaces. Tokos noted they already had a track record of allowing the first five spaces to be exempt from the business license fee, which helped modestly for projects. Berman asked what would happen to the fee people were paying on their business licenses when this went into effect. Tokos reported the fee would go away. He noted that the total annual collections on this fee had been around \$14,000. Tokos thought they shouldn't go over five spaces for those that wouldn't pay anything.

Hanselman questioned how they could have more businesses on the Bayfront without more parking. He thought that if they infilled all the properties on the Bayfront, it would bring in more people. They would have metering to help with turnover, but there would still be many more people that walked on the sidewalks there. Tokos reminded that the principal to doing the meters and permits was to adjust the rates until they got them right. Capri asked how the fees would be adjusted. Tokos explained it would be done by City Council resolution.

Berman asked if there would be anything to keep existing private parking lots from being developed if this went into effect. Tokos thought that part of the agreement was to allow these to be developed. He reported that there was somewhere between 65 and 90 spaces that were tied up in private lots on the Bayfront that could get redeveloped reasonably easy. Tokos reminded that this was part of the deal when they changed to metering. Capri noted that there would be a lot of developers that wouldn't do development without providing parking because the industry demanded they provide them. Hanselman thought if they did the parking fees correctly, they could make enough money to have a

shuttle. He thought they should raise the fees for the business owners and have them pay into providing a shuttle bus because they would be the ones benefiting from it. Tokos noted once they had the meter and permit revenues, they would have enough money to do transit if that was what policymakers wanted to do. They could also subsidize a carpool/vanpool program. Tokos thought that either of these would meet different demands, they just needed funds to support them.

Hanselman thought the concept of reducing parking and increasing business wasn't reasonable. Tokos noted that the meters had a positive track record across many communities in terms of turnover. Hanselman thought the metering was a separate issue than development. Tokos explained that cities who were eliminating their off-street parking minimums in their commercial core areas were doing this because they had demand management in place. There was a risk that they would get a business that came in who had a significant demand on supply. Hanselman thought they should put in the parking meters and see what happened first before making decisions on these options. Escobar asked what the proposed rate for meters was. Tokos reported \$1 per hour. Berman was concerned that the permits would be bought out by employers for staff and block out all of the parking. Tokos reported the committee was comfortable with this price going out as the baseline and agreed that in the meter/permit zone they wouldn't make more permits available than the spaces that were available. Capri asked what the consultant thought about the rates. Tokos reported that they recommended it be \$1 an hour. The committee also proposed permit fees that were higher than what the study recommended at \$45 a month for the high demand areas and \$25 a month for lower areas. Hanselman asked if all the permits had been purchased in other communities. He was concerned that if all of the permits weren't purchased it meant that there would be permit spaces left open because they were permit only spots. Tokos reminded these were both permit and meter parking areas and there would be no reserved parking for permits. Every spot would have a meter. Tokos said the less desirable areas that were permit timed were areas where people could park free for four hours or if they had a permit they could park over a period of time. These areas were where they wanted a lot of people to park. In those cases, they were looking at having around 140 percent of the stalls sold in terms of permits. Hanselman asked if the Port suggested they would provide more parking or fishermen. Tokos reported they weren't. They were still working through their own issues, but their permit fees were cheaper than the city's.

Capri thought Option B.3 was a reasonable approach because it allowed development to occur and gave the City control over big development. Tokos thought that if they chose B.3, it would be justifiable to peg the number of spaces at 20 rather than 25, but they wouldn't want to go much lower. Tokos reported the Parking Advisory Committee liked combining B.2 and B.3, where they could set it at requiring nothing for a small impact and then hit developers with fees as the impact intensified. He thought they could set the prices at \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, then stop it at that. They could also change B.3 to not exceed 20 spaces instead of 25. The Commission was in general agreement with this.

Berman was concerned about the fees for Option B.3 and asked if they talked about making the amounts smaller and changing them to annual fees. Tokos pointed out they were trying to avoid annual fees. The concern with annual fees was that they could go on for an extended period of time and there was the potential to lose sight on what the fees were for in the first place. Berman thought charging the one-time fee didn't have any value over an extended period of time. Tokos explained that one of the reasons they discontinued annual fees was that over time it became a situation where some businesses were paying more than others, while some didn't pay at all. He explained that policy makers didn't think that was fair.

Tokos reiterated that he would bring back a revision showing \$0 for 0 to 5 spaces, \$5,000 for 5 to 10 spaces, \$7,500 for 10 to 15 spaces, \$10,000 for 15 to 20 spaces, and then changing B.3 down to 20 spaces. Capri asked if there was any leniency for big developers. Tokos said there wouldn't be because everyone would be on the same playing field. If there was an existing use on a property, the new development would have a credit for parking based on that use. A discussion ensued regarding examples of how different property uses had changed over the years and how their credits worked. Tokos reminded the changes would be the bar for what someone could do to meet the parking requirements. There would still be an adjustment process for different requirements, such as a parking demand analysis or request an adjustment to a dimensional requirements.

Berman asked if Section 14.14.100(C) meant that existing uses weren't required to retain parking. Tokos confirmed that was true and noted that this was what the business community supported when they included the Comprehensive Plan policies that reduced or eliminated off street parking requirements for those that were previously constructed. They couldn't tell one person to keep their parking while allowing another to come in and not have to provide anything. Tokos noted that Section 14.14.100(D) memorialized that Nye Beach and the City Center would continue to pay their business license annual fees until they had an alternative program where there was payment for the use of public parking. This was already a resolution.

Capri asked how this would be evaluated later. Tokos reported there were firms who did this. He thought that it would make sense to wait until the meter program was up and running for a couple of year before they evaluated it. Tokos noted they would have good data because T2 Systems would be able to track the data by permit zone.

Escobar asked how the permits would work for someone who bought one permit and had three cars. Tokos explained this would something more so for Nye Beach, not the Bayfront. The Bayfront had commercial fishermen who had multiple vehicles, and the Advisory Committee discussed adding a surcharge for additional vehicles that fell under one permit. Capri asked if there was a way to know if two vehicles were being used on the permits. Tokos reported there would be license plate technology that would ping each license plate to know this. It would be set up that when someone has exhausted their time, they couldn't just go to another available space in the same zone because they would be set up by permit zone. Berman asked if someone parked with a permit in a meter space, would they need to go to a kiosk to register they were parking. Tokos reported if they had the right permit for the area, they could park without having to go to the kiosk. Berman asked if the permits were for a certain number of hours. Tokos reported they would be 12 hours, and the commercial fishermen permits would be done by invite and they would be 72 hours. Capri asked who made the final determination on the fee amounts. Tokos said the City Council would. Capri asked if anyone had brought up inflation in the discussions. Tokos reported they had, and it was why they adjusted the fees to \$25 and \$45 from what they were set at previously. This was a work in progress that they would key it to an inflationary adjustment right off the bat. Berman asked if someone could buy annual permits. Tokos reported they hadn't gone down that path and were pretty much dealing with just monthly permits. Branigan guessed they wouldn't do annual permits because there would be questions on proration for people who switched cars. Berman thought it was a good idea not to do an annual permit.

Tokos asked for comments on other sections. Berman thought that for Section 6.20.02(C) emergency vehicles should be able to park anytime, not just in emergencies. Tokos thought this had been doubled up in the language and they had already included an exemption for government vehicles. He would confirm for this. Berman questioned Section 6.20.030(D) because it was hard to unload a truck in 30 seconds. Tokos noted this was in their code and suggested it be changed to five minutes. Berman thought 15 minutes would work better.

Berman noted that in Section 6.20.040(F) he didn't know what a space reservation device was. Tokos reported they could define this. He pointed out there would be instances such as special events or construction permit authorizations where someone would have to put up space reservations. Updike thought these devices could come in many shapes and forms, and why it was kept generic.

Berman pointed out that the text in Section 6.20.045 was written as if they were referring to the meters with the old galvanized steel posts with a head on them. Tokos would clean the language up. It should have been written for a kiosk. Berman questioned Section 6.20.050 that said that if there were to disable placards they behaved like everyone else and if there was a wheelchair placard, they didn't have to do anything. Tokos reported this was the state law.

Tokos noted the non-land use updates would go into place before the meters were implemented. He explained that there would be public outreach in August and September, and another opportunity to do one round of refinements to the meter/permits options after. Berman asked if they would have a sample of the machine at the outreach meetings. Tokos didn't know if they would have one at the outreach meetings. He reported they had just ordered them, and they would arrive in around four weeks. Public Works was working on the parking lot revisions, and they would be putting out bids in June to get it lined up to do the improvements to the parking lots in September. There were 110 sign poles that needed to be either swapped out or put in new, then the pay stations and regulatory signs installed and then go live. There would also be a break in period where people received warnings for a while. The meters would only be live on the weekends during the off season starting in October, which would help the public get used to them.

Berman asked if someone parked longer than they were metered for and received a ticket, would the meter collect the ticket amount if they came back to park. Tokos explained there would be an enhanced level enforcement for what's called scofflaw, where if somebody has a certain number of unpaid parking tickets, they would get tagged and it would be elevated in terms of its level of enforcement. They were working with the Police Department on how to do this. Tokos noted there were certain circumstances where a parking ticket would be an automatic hit when someone was renting a car and got a ticket. The ticket would go on their rental bill. Enforcement of this was done by license plate recognition. Tokos reported when people didn't pay their tickets, T2 Systems would be acting in the capacity of the city to look up people how didn't pay and send out an automatic letter with information on additional fees due. The intent was to have this be as light of an impact on the police officers as possible.

Tokos reported that the City Council voted in favor of the appellant for the appeal for the new Abbey Hotel. They felt it was essential to consider the previous development when weighing the relative impact of the project and felt the project had less of an impact than the prior development given the parking they were going to construct. The final order would be brought to the City Council on June 5th. Berman asked if they formally acknowledged the other adjustments. Tokos reported the acknowledge the adjustment on the yard and authorized the package on a 5 to 2 vote.

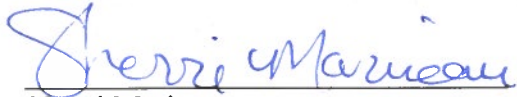
Hanselman asked if the parking kiosks would be cash or credit card, or both. Tokos reported there was a coin option and credit card option. Hanselman asked if the city considered collecting tickets by charging them directly to the ticket holder's credit cards. Tokos would share where this ended up with the Commission and would talk to T2 Systems on this. He thought that the public would have the right to contest whether a ticket was properly issued. Most people didn't pay for the tickets on the fly. Tokos reminded that rental cars agree in advance that if they had a ticket they would be charged on their rental fees.

C. **Planning Commission Work Program Update.** No discussion was heard.

2. **New Business.** None were heard.

3. **Adjourn.** The meeting adjourned at 7:44 p.m.

Respectfully submitted,



Sherri Marineau,  
Executive Assistant